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10/057,555	01/25/2002	Thomas J. Coffey	23738-69892	2405

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EXAMINER

FOSTER, ROLAND G

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/057,555

Applicant(s)

COFFEY, THOMAS J.

Examiner

Roland G. Foster

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14, 16-18, and 20-37 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,009,149 to Langsenkamp et al. (hereinafter "Langsenkamp"), of record.

With respect to claim 1, see the following paragraphs for details on how Langsenkamp anticipates particular limitations within the claim.

The limitation "providing a plurality of users computerized telephone control" reads on Langsenkamp as follows. Figs. 4-48 (as discussed in more particularity below) provide an operator computerized telephone control over telephone call campaigns via a screen based interface.<sup>1</sup> In addition, plural users provide control over the telephone call campaigns via a telephone interface (col. 7, lines 9-30).

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<sup>1</sup> The screen-based interface of Langsenkamp inherently supports multiple users as consistent with the applicant's specification. For example, the Langsenkamp discloses that the user communicates over a bi-directional

The limitation "one or more of said plurality of users accessing an interactive interface" reads on the screen based user accessing the interactive, screen based interface for creating call campaign as illustrated clearly in Figs. 2-48. The telephone interface also provides interactivity (col. 7, lines 9-22).

The limitation "for each of said users that have access said interface, supplying values, in response to using said interactive interface" reads on the various values supplied by the while interacting with the interactive interface as illustrated in Figs. 2-48. For example, in Fig. 4 the user supplies call list values. The telephone interface also supplies values provided by the users to control further telephone operations (e.g., col. 18, line 52 – col. 20, line 11).

The limitation "creating a program flow, at least partially, from said supplied values" reads on outbound call campaign structure and consequent flow created by the user while supplying the above values. For example, the user may program a call list (Fig. 4) that uses certain messages (Fig. 6) including the requirement for certain responses (col. 10, lines 16-28) and even subsequent messages (col. 17, lines 40-67). Because the call flow is executed by software executing on a computer (Fig. 1), the call flow is also a program flow. The user values supplied via the telephone interface are also used to create modified program flows (e.g., col. 18,

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communications link separating the user's input and display 51 and the hardware/software interface 50 (Fig. 1 and col. 6, lines 34-39), which is similar applicant's specification (page 4, last sentence). Langsenkamp also discloses that the user may be required to enter a password to log on (Fig. 3), which is also similar to applicant's specification (page 9, lines 14-16). Therefore, the screen-based interface of Langsenkamp inherently supports multiple users similarly to applicant's specification, with each user, at most, being required to enter a password to log on. Note that applicant's specification fails to disclose support for simultaneous, plural users.

liens 52 – col. 21, lines 27).

The limitation "for each program flow, running said program flow, at least in part, during a series of telephone calls by an automated calling means" reads on the execution of the previously entered program flow during the calling campaign (series of telephone calls) as illustrated in Figs. 51A-54B.

Claim 6 differs substantively from claim 1 in that claim 6 recites the interactive interface also requests "certain responses to certain queries." This limitation also reads on Figs. 2-48. For example, in Fig. 25 the user is requested to enter only certain "Geo Zones" (responses) to a Geo Zone query.

Claim 33 differs substantively from claim 6 in that claim 33 recites that a script is created rather than a program flow. The program flow in the claim 1 rejection above creates various call scripts that allow the call recipient to interact and alter the flow of the call in progress. For example, Fig. 51A illustrates that different call scripts are executed based upon the caller response at step 107. Claim 33 also recites additional limitations directed to making a first and second series of telephone calls. This limitation reads on the various calling lists to be called (e.g., Fig. 4) and Geo Zones (e.g., Fig. 25) that the user can select to be called. In addition, the limitation "predetermined criteria" for initiating a second series of calls reads on, for example, the recipient's desire to receive further calls (second series of calls) (Fig. 52B, step 138 and col. 24, lines 1-10) or on the scheduling criteria associated with the second call list (series of calls).

Claim 35 differs substantively from claim 33 in that claim 35 recites that a first and second script are created during the interactive process. The first script is used if it is determined if a live recipient answers. The second script is used if it is determined that an answering machine receives the call. These limitations read upon Figs. 54A and 54B where a first script is created and used if a live recipient answers (steps 214, 216, 218, etc.) and a second script is created and used if an answering machine answers (steps 212, 238).

Claim 36 differs substantively from claim 1 in that claim 36 recites using the program flow during "a series of messages by an automated message means" which reads upon Langsenkamp as discussed in the claim 1 rejection above.

Claim 37 differs substantively from claim 1 in that claim 37 recites an apparatus and interface means which performs functions equivalent to the method steps of claim 1. Therefore, see the claim 1 rejection for additional details. Further, claim 37 recites that the program flow creates a script, which also reads upon Langsenkamp as discussed in the claim 33 rejection above.

With respect to claims 2, 4, 8, 12, and 13 see the claim 33 rejection above.

With respect to claim 3, see Fig. 54A, step 214.

With respect to claim 5, see col. 18, lines 56-67.

With respect to claim 7, see col. 18, lines 5-10.

With respect to claims 9 and 10, the program flow comprises preexisting components, which can be used as templates such as call lists, Geo zones, etc. (see the claim 1 rejection above for further details)

With respect to claim 11, the script comprises preexisting templates to create interactivity such as a built-in "response" requirement thus creating a interactivity (Fig. 6), sample text scripts (Fig. 10), and pre-assigned responses (Fig. 45).

With respect to claim 14, see the claim 35 rejection for further details.

With respect to claim 16, the each call list comprises a list of potential recipients (Fig. 4), which are identified by, for example, telephone numbers (Fig. 41).

With respect to claims 17 and 18, see col. 18, lines 3-67 and col. 24, lines 1-10.

With respect to claims 20-23, see col. 18, lines 1-45 for call scheduling based upon time. Scheduling is also based on priority (Fig. 17) and Geo Zone (Fig. 25)

With respect to claim 24, see Fig. 41.

With respect to claims 25 and 26, see Fig. 52B, col. 18, lines 3-11, col. 19, lines 40-63 for various examples of changing the schedule based upon call results.

With respect to claims 27-32, plural recipients on the call list receive more than on call under a variety of circumstances (e.g., see Fig. 52B, step 138 where the recipient wants further information or calls and Fig. 54A, step 208 where the recipient fails to answer and is thus called back) and according to various call schedules (see the claim 20 rejection above) which are alterable based upon call results (see the claim 25 rejection above).

With respect to claim 34, see Fig. 52B, step 138 and col. 24, lines 1-10 as discussed in the claim 33 rejection above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langsenkamp as applied to claims 6 and 12 above.



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Although Langsenkamp disclose that the interactive, call script presents alternative actions and responses to the call recipient as discussed above, Langsenkamp fails to specifically disclose that the specific actions are either a response by a human or a response by an auto attendant.

However, "Official Notice" was taken in the last Office action that both the concept and advantages of a interactive, call script, such as those used in interactive voice response (IVR) systems that provide the user with the alternative to either receive a response by a human, such as an operator, or a response by the IVR system, would have been well-known and expected in the art. The applicant's lack of traverse to the officially noticed fact in the last Office action is taken as an admission of the facts noticed.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add the alternative actions of either operator intervention or an IVR system prompt to the IVR system providing alternative actions as disclosed by Langsenkamp.

The suggestion/motivation for doing so would have been to increase the reliability and user-friendliness of an IVR system by providing the user the ability to ask for an operator in cases where the user becomes confused or irritated with the automated IVR dialog. Providing a choice between operator intervention and continued IVR prompts is well-known in the art, such as when the user is prompted "press 1 for [a particular action], press 2 for....press 0 for the operator."

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langsenkamp as applied to claim 6 above, and further in view of U.S. Patent No. 5,901,209 to Tannenbaum et al. (hereinafter "Tannenbaum"), as used in the last Office action.

Langsenkamp fails to disclose substituting the caller ID during the outgoing call.

However, Tannenbaum (similarly to Langsenkamp) is directed to a outbound dialing, call campaign system (Fig. 1) that substitutes caller ID during the outgoing call (title and abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add the caller ID substitution as taught by the outbound dialing, call campaign system of Tannenbaum to the outbound dialing, call campaign system of Langsenkamp.

The suggestion/motivation for doing so would have been to increase the accuracy, productivity, and call completion rates of an outbound, call campaign. Specifically, using the caller ID of the real party in interest (e.g., a charity) rather than using the caller ID of the agent or call bureau would have helped to overcome the natural skepticism of the called party as to the true identity of the caller and also avoided inappropriate and counterproductive disclosure of the agent's caller ID (e.g., when the caller is a law enforcement officer) (Tannenbaum , col. 2, lines 19-54).

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.



Roland G. Foster  
Patent Examiner  
April 5, 2004